

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

RENATA BONAR, an individual; on behalf of
herself and all others similarly situated, and on
behalf of the general public,

Plaintiffs,

v.

BEAM GLOBAL SPIRITS & WINE, INC.,

Defendant.

Civil No. 11cv2058-CAB (KSC)

**ORDER GRANTING EX PARTE
APPLICATION FOR CONTINUANCE OF
DEFENDANT'S MOTION FOR
SUMMARY JUDGMENT**

[Doc. No. 58]

Before the Court is Plaintiff's *ex parte* application to continue the hearing on Defendant's motion for summary judgment in light of a discovery dispute, the resolution of which Plaintiff argues is necessary to her opposition of the motion. [Doc. No. 58.] Defendant opposed the motion, arguing that the Plaintiff has not complied with the requirements of Rule 56(d), and that the Plaintiff has not been diligent in pursuing this matter. [Doc., No. 59.] The Court notes that while the *ex parte* application was pending, Plaintiff did file her opposition to the motion for summary judgment on the date the opposition was originally due [Doc. No. 62,] however that opposition highlights the same discovery issues now before the Court.

In the interest of considering the motion for summary judgment on the merits, the Court finds good cause to **GRANT** the motion to continue the hearing in order to allow the parties time to resolve the discovery dispute and afford Plaintiff the opportunity to adequately oppose the motion.

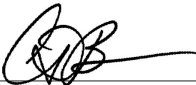
The hearing currently set for February 19, 2013 is hereby **CONTINUED** to **April 18, 2013 at 10:00 a.m.** in Courtroom 2 before Hon. Cathy Ann Bencivengo. The hearing on Plaintiff's motion for leave to

1 amend the Complaint [Doc. No. 56,] currently scheduled to be heard on April 12, 2013, is likewise
2 **CONTINUED** to **April 18, 2013.**

3 Plaintiff may file a supplemental opposition to the motion for summary judgment on or before
4 **March 28, 2013.** Defendant's reply shall be filed on or before **April 11, 2013.** The remaining briefing for
5 the motion for leave to amend the complaint shall follow the same briefing schedule.

6 **IT IS SO ORDERED.**

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8 DATED: February 6, 2013

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11 **CATHY ANN BENCIVENGO**
12 United States District Judge
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